

REMARKS

Claims 28-55 and 76-101 have been withdrawn from consideration. Claims 1-27 and 56-75 are currently pending, with claims 1 and 56 being the only independent claims. Reconsideration of the application, in view of the following remarks, is respectfully requested.

In the August 12, 2005 Office Action, independent claims 1 and 56, and dependent claims 2-7, 10, 13, 17-24, 57, 59, 60, 64 and 68-75 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,542,933 (“*Durst*”), while dependent claims 7, 11, 14, 15, 26, 61-62 and 65-66 were rejected as being obvious over *Durst* in view of U.S. Patent Publication 2002/0161658 (“*Sussman*”). Lastly, dependent claims 8, 9, 12, 16, 25, 58, 63 and 67 were rejected under 35 U.S.C. §103(a) as being obvious over *Durst* in view of *Sussman* and in further view of U.S. Patent No. 6,134,548 (“*Gottman*”). For the following reasons, it is respectfully submitted that all claims of the present application are patentable over the cited references.

The present invention relates to a system and method of providing consumer item information to consumers by equipping the consumers with portable shopping assistants (PSAs), which can receive identifying information (OI-Id) concerning specific consumer items (OIs). The PSA transmits the OI-Id to an information server system (ISS), which responds with either the appropriate consumer item information (P/S-Info) or a “key” (OI-Key) which can be used to retrieve the P/S Info (see Abstract of the specification).

Durst relates to the use of machine-readable indicia and codes such as bar codes, RF-ID tags and the like, for linking to distributed data resources residing on a server in a networked computing environment, such as the Internet (see col. 1, lines 19-22).

The Office Action (pg. 2) states:

Durst discloses a system and method for providing information concerning a consumer item to a user comprising:

...

An output device for receiving P/S-Info from said ISS and outputting the P/S-Info to the user, said output device being separate from the PSA (column 3, lines 65-67, column 4, lines 1-7, column 6, lines 10-28...).

With respect to the foregoing statement, the following is noted. *Durst* (col. 3, lines 65-67 and col. 4, lines 1-7) states, “the client computer is redirected to the content server by the information server when it sends a primary URL to the client computer indicating the location of the primary content file (i.e. the URL). The information server may log the primary content URL

request in a hit log. The information server may then communicate with the registration server to obtain further information linked to a user identification code from the hit log and thus determine more about the user that entered the linkage code.”

Durst (col. 6, lines 11-21) also states, “the information server 50 is configured . . . to receive a completed URL template from the client computer 20 and transmit a response to the client computer 20 which may be the desired primary content file stored thereon. The content web servers 60 may contain the web content that is ultimately sent to the web browser 24, and need not be configured in any special way in order to operate with the linkage system 4. That is, the content server 60 receives a data request in the form of a URL and responds by supplying the request web content”.

Durst (col. 6, lines 22-28) further states, “the system also has a registration server computer 30 for managing registration and demographic information of the users of this system. A rules database may additionally be a component of the system, where the rules stored therein are utilized to help determine the web content ultimately returned to the client computer 20”.

Although *Durst* teaches that the registration and demographic information of users of the system may be managed on a registration computer 30 in connection with information server 50 handling response contents, *Durst* fails to teach that a response to a query from a client computer 20 would be transmitted to a separate device than the client computer 20. Independent claims 1 and 56 require an output device for receiving information (i.e., P/S-info) from an information server system, [where] the output device is separate from the personal shopping assistant (PSA). *Durst* fails to teach this claimed limitation. Consequently, independent claims 1 and 56 are patentable over *Durst* and therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are in order, and a notice to that effect is earnestly solicited.

Sussman relates to a method and system in which a consumer creates a shopping list using a small wireless bar code scanner and an intelligent base station that gets related bar code information from a merchant's database via the Internet (see *Abstract*, lines 1-4). *Sussman* (*Abstract*, lines 4-7) states, the consumer uses this method to shop in a store, Mail Order/Telephone Order (MOTO) or on the Internet using the created shopping list. *Sussman* (*Abstract*, lines 7-10) states, the consumer creates the shopping list by using a small wireless bar code scanner to scan in the merchandise Universal Product Codes (UPCs), which are available on product labels, and in product catalog. *Sussman* (*Abstract*, lines 10-12) teaches that the

consumer then transmits the scanned bar codes to an intelligent device owned by the consumer, which is known as a base station. However, *Sussman* fails to cure the deficiencies of *Gilhouse*n, since *Sussman* fails to teach or suggest “an output device for receiving information (i.e., P/S-info) from a information server system, [where] the output device is separate from the personal shopping assistant (PSA),” as recited in independent claims 1 and 56.

Gottman relates to a system that facilitates interactive web-based comparison shopping in conventional, physical, non-web retail environments (see col. 1, lines 54-57). *Gottman* (col. 1, lines 57-63) discloses that a wireless phone or similar hand-held wireless device with Internet Protocol capability is combined with a miniature barcode reader (installed either inside the phone or on a short cable) and utilized to obtain definitive product identification by, for example, scanning a Universal Product Code (UPC) bar code from a book or other product.

Gottman (col. 1, lines 63-67) teaches that the wireless device transmits the definitive product identifier to a service routine (running on a Web server), which converts it to (in the case of books) its International Standard Book Number or (in the case of other products) whatever identifier is appropriate. *Gottman* (col. 1, line 67 thru col. 2, line 5) further states, the service routine then queries the Web to find price, shipping and availability information on the product from various Web suppliers. This information is formatted and displayed on the hand-held device's screen. The user may then use the hand-held device to place an order interactively.

However, *Gottman* is silent with respect to “an output device for receiving information (i.e., P/S-info) from a information server system, [where] the output device is separate from the personal shopping assistant (PSA),” as recited in independent claims 1 and 56. Consequently, *Gottman* fails to provide what *Durst* and/or *Sussman* lack. As a result, independent claims 1 and 56 are patentable over the combination of *Durst*, *Sussman* and/or *Gottman* and therefore, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103 are in order, and a notice to that effect is earnestly solicited.

In view of the patentability of independent claims 1 and 56, for the reasons set forth above, dependent claims 2-27 and 57-75 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue if respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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